

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA

V.

1:17cr00224-AT-CMS

ALAN PENDERGRASS

PARTICULARIZED MOTION TO SUPPRESS SEARCH WARRANT

Comes now Defendant by and through counsel and files this particularized motion to suppress evidence seized as a result of a State search warrant issued on or about September 19, 2013

1.

The affidavit, signed by Officer Ricks, relates (after much boilerplate) that a purported victim related that her signature had been forged and funds in the amount of \$8000.00 had been misappropriated. She then filed an open records request to obtain information from the city of Atlanta. She then apparently related what she believed might had happened, but the city never investigated to see if that check or any other check(s) had been misappropriated.

2.

There is certainly no probable cause for the issuance of this warrant.

3.

Illinois v. Gates 462, U.S.21 (1983) and Franks v. Delaware, 438 U.S. 213 (1978) and their progeny both envision that the issuing Magistrate be provided a substantial basis to conclude probable cause existed. Here, no probable cause whatsoever was shown to the Magistrate who was presented with the warrant. The Magistrate apparently abandoned her role in

making this determination invalidating the warrant.

For those reasons, counsel requests that a hearing be held and that all evidence and fruits of such search and seizure be suppressed.

Respectfully submitted,

S/Robert H. Citronberg

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CERTIFICATE OF SERVICE

It is hereby certified that the foregoing motion was served electronically on:

Mr. Jeff Brown  
Assistant United States Attorney  
Richard B. Russell Courthouse  
75 Spring St., SW  
Atlanta, Ga. 30303.

This 8th day of January, 2018

S/Robert H. Citronberg

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Robert H. Citronberg  
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Appointed)

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